

Remarks

The Office Action mailed December 13, 2006 has been carefully reviewed and the foregoing remarks are submitted in consequence thereof.

Claims 19-30 are rejected. Claims 13-18 have been withdrawn from consideration. Pursuant to this Amendment, Claims 19-30 have been canceled. Claims 31-42 have been newly added. No additional fee is due for newly added Claims 31-42. Claims 13-18 and 31-42 are pending.

The objection to the disclosure is respectfully traversed. Applicants have amended paragraph [00257] to address the issues raised in the Office Action. No new matter has been added.

For the reasons set forth above, Applicants request that the objection to the disclosure be withdrawn.

The objection to Claims 30 in their first and second occurrence due to informalities is respectfully traversed. Applicants have canceled both Claims 30. Thus, the objection to Claims 30 in their first and second occurrence is moot.

For the reasons set forth above, Applicants request that the objection to Claims 30 be withdrawn.

The rejection of Claim 25 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement is respectfully traversed.

Claim 25 has been canceled. Accordingly, Applicants respectfully request that the Section 112, first paragraph, rejection of Claim 25 be withdrawn.

The rejection of Claims 19-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention is respectfully traversed.

Claims 19-30 have been canceled. Newly added Claims 31-42 have been written to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, newly added claims 31 and 41 recite "a transgene that *encodes* an ablation

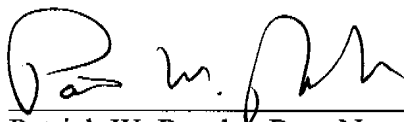
promoting moiety". Accordingly, the newly added claims address the issue raised in the Office Action and include language suggested by the Examiner to particularly point out and distinctly claim the subject matter regarded as the invention.

Further, Applicants submit that the specification enables one skilled in the art to make and/or use the invention commensurate in scope with the newly added claims. As the Examiner acknowledged in the previous Office Action, the use of homologous regulatory DNA sequences are enabled by the specification. The specification also teaches the use of transgenic zebrafish for screening DNA regulatory elements that are sufficient for specific spatial and temporal expression patterns. Furthermore, published references (cited in the previous response) support the use of heterologous promoters in fish. Lastly, the process of screening DNA sequences for those that confer tissue and cell type specific expression in transgenic zebrafish a) is independent of the origin of the regulatory sequence being screened and b) involves a routine screening process that the specification and published references teach. Accordingly, Applicants submit that newly added Claims 31-42 are in condition for allowance.

For the reasons set forth above, Applicants request that the Section 112, second paragraph, rejection to Claims 19-30 be withdrawn.

In view of the foregoing remarks, all the claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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